

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEREMIAH WILLIAM BROOKS,

Petitioner,

Case Number: 2:11-CV-10411

v.

HONORABLE VICTORIA A. ROBERTS

DAVID BERGH,

Respondent.

ORDER GRANTING MOTION TO APPEAL IN FORMA PAUPERIS

The Court denied Petitioner Jeremiah William Brooks' pro se petition for a writ of habeas corpus and declined to issue a certificate of appealability. Now before the Court is Petitioner's Motion to Appeal In Forma Pauperis.

Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. An appeal may not be taken in forma pauperis if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "‘Good faith’ merely requires that the issues are arguable on the merits; it does not require a showing of probable success." *Foster v. Ludwick*, 208 F. Supp. 2d 750, 765 (E.D. Mich. 2002). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v. O'Brien*, 216 F.3d 626, 631 (7th Cir. 2000). An appeal in this case may be taken in good faith. The Court **GRANTS** Petitioner's "Motion

to Appeal In Forma Pauperis.”

ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: November 3, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record and Jeremiah William Brooks by electronic means or U.S. Mail on November 3, 2011.

S/Linda Vertriest

Deputy Clerk